



ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOWAKI KOMATSU,

Plaintiff,

-against-

THE CITY OF NEW YORK, et al.,

Defendants.

1:20-CV-6510 (LLS)

ORDER

LOUIS L. STANTON, United States District Judge:

Plaintiff filed this action *pro se*. In an order issued on October 21, 2020, and entered the next day, on October 22, 2020, and in a judgment also issued and entered on October 22, 2020, the Court dismissed this action *sua sponte*. (ECF 10 & 11); *see Komatsu v. City of New York*, No. 1:20-CV-6510, 2020 WL 8641274 (S.D.N.Y. Oct. 21, 2020). Plaintiff appealed. On December 20, 2021, the United States Court of Appeals for the Second Circuit affirmed the dismissal of this action. *Komatsu v. Cubesmart*, No. 20-3676-cv, 2021 WL 6060603 (2d Cir. Dec. 20, 2021) (summary order).

By order dated and entered on June 3, 2022, the Court construed letters Plaintiff filed on April 26, 2022, and on April 28, 2022, as a motion for relief from the Court's October 21, 2020, order of dismissal, and its October 22, 2020, judgment, brought under Rule 59(e) of the Federal Rules of Civil Procedure or, in the alternative, under Rule 60(b) of the Federal Rules of Civil Procedure, and the Court denied that motion. (ECF 18); *Komatsu v. City of New York*, No. 1:20-CV-6510, 2022 WL 1831155 (S.D.N.Y. June 3, 2022).

On June 16, 2022, Plaintiff filed an "Emergency Order to Show Cause for Preliminary Injunction and Temporary Restraining Order." (ECF 19.) Three days later, on June 19, 2022, Plaintiff filed a letter. (ECF 20.) One day after that, on June 20, 2022, Plaintiff filed another letter. (ECF 21.) Two days later, on June 22, 2022, Plaintiff filed yet another letter. (ECF 22.),

and a fifth on June 23, 2022.

The Second Circuit has affirmed this Court's dismissal of this action, and this Court has since denied Plaintiff postjudgment relief under Rules 59(e) and 60(b) of the Federal Rules of Civil Procedure. This action has long been closed, and this Court will not consider any of Plaintiff's submissions filed after this Court's June 3, 2022 denial of Plaintiff's request for postjudgment relief. The Court therefore denies any relief Plaintiff seeks in any of his submissions filed in this action after June 3, 2022.

The Court will not consider any submission Plaintiff files in this action in the future in which he seeks relief from the Court's dismissal of this action. Accordingly, the Court directs the Clerk of Court to terminate any motion Plaintiff files in this action in the future in which he seeks relief from the Court's dismissal of this action.

This deviates from the prescription at the end of the June 3, 2022 order, which stated,

If Plaintiff files other [than those directed to the Court of Appeals] documents that are frivolous or meritless, the Court will direct Plaintiff to show cause why the Court should not bar Plaintiff from filing further documents in this action.

Nevertheless, it is the appropriate action. This case is closed to documents of any nature regarding the subjects of this case, by reason of this and the Court of Appeals' adjudications the time for the review of which is long past. To the extent the present submissions concern new matter it should be presented in a new case, to be assigned to a Judge randomly selected by the Court's process.

SO ORDERED.

Dated: New York, New York
June 28, 2022



LOUIS L. STANTON
U.S.D.J.